

Testimony on SB 347

From: Alan and Stephanie Shammel, Hilger, MT

Our family has worked four generations on the family ranch north of Lewistown, Montana. We have been joined in this operation by our son and daughter-in-law.

The CR Kendall Mine, which is located above our ranch, has polluted the streams and groundwater in four drainages. Our family has been dealing with this nightmare for over 20 years.

In 1996, the mine put in pumpback wells to capture the contaminated water coming downstream from the mine, and pump it back onto the mine site where the mine blows the contaminated water into the air to evaporate it.

My family relies on the water for our cattle. As senior water rights holders, my family and our neighbors filed a complaint with DNRC, which went to a contested case hearing. **DNRC ruled that the mine's capture system wasn't a beneficial use of water because it was used for treatment rather than mining.** The pumpback system for the entire mine intercepts as much as 20 million gallons of water every year.



We were shocked by this decision, and I'm providing a copy of the DNRC decision with my testimony so you can read it for yourself. We were forced to dig expensive new groundwater wells. Ultimately, we filed a civil suit against the company for damages. After seven long years the case was finally settled.

This is fundamentally unfair. **It allows the mining industry to divert and use large quantities of water without the water rights that all other major water users have to have.**

The mining industry shouldn't be able to dewater rivers and streams. The nondegradation law helps to prevent that and to protect downstream waters users. We strongly oppose SB 347, which would eliminate this protection.

We cannot be at the hearing today because we're in the middle of calving. We urge the committee not to give mining companies special deals at the expense of other downstream users. We don't want other family ranchers to suffer as we have. Please oppose SB 347.

Thank you,  
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